REMARKS

In the Office Action, the Examiner rejected to claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by MILLER et al. (U.S. Patent No. 5,930,231).

Claims 1-4 were pending in the present application prior to the above amendments. New claims 5-15 have been added. No new matter has been introduced. Accordingly, claims 1-15 are now pending in the present application. Reconsideration and allowance of all claims in view of the following remarks are respectfully requested.

Claims 1-4 have been rejected under 35 U.S.C. § 102(b) as being anticipated by MILLER et al. Applicants respectfully traverse.

Independent claim 1 recites a method of transferring the contents of an information channel from a source to a destination. The method includes providing, at the source, a spectrum having a plurality of channels. One of the channels is selected, resulting in a selected channel. The spectrum is digitized, resulting in a digitized spectrum. The selected channel is isolated and translated to baseband from the digitized spectrum, resulting in a digitized channel. The digitized channel and associated attribute information are framed, resulting in a framed channel. The framed channel is transmitted to the destination using packet techniques over a packet network. A frequency and bandwidth accurate replica of the selected channel is reconstructed, resulting in a reconstructed replica of the selected channel at the destination.

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly

taught must be inherently present. See M.P.E.P. § 2131. MILLER et al. does not disclose or suggest the combination of features recited in Applicants' claim 1.

For example, MILLER et al. does not disclose or suggest framing an isolated digital channel to generate a framed channel and transmitting the framed channel to the destination using packet techniques over a packet network, as required by claim 1. The Examiner relied upon the abstract, Figs. 8 and 9, and col. 7, line 7-64 of MILLER et al. as allegedly disclosing these claimed features (Office Action, pg. 2). Applicants respectfully submit that these sections of MILLER et al. do not disclose or suggest framing an isolated digital channel to generate a framed channel and transmitting the framed channel using packet techniques over a packet network, as required by claim 1.

In the abstract, MILLER et al. discloses:

> A communication system for coupling telephony or other signals to a broadband network such as a CATV network. The system transmits a multiplex of telephony signals in the forward band of the broadband network, with individual signals directed to an addressed subscriber. Telephony signals returning from subscribers upstream to a headend unit (HIU) are modulated onto the reverse band of the broadband network in a frequency division multiple access (FDMA) arrangement. The upstream modulated telephony signals are received at a telephony network interface at the HIU coupled to the broadband network. A group of reverse band modulated telephony signals are received at a group receiver or channelizer. The group receiver processes all upstream telephony signals within a selected spectral subband in the reverse band to apply a receiver matched filter with a weighted overlap and add circuit, and are then converted to baseband by an FFT circuit. The group receiver provides a serial data stream representing the baseband telephony signals. The baseband telephony signals are processed to derive demodulated telephony signals. The demodulated telephony signals are coupled to the telephony network.

This section of MILLER et al. discloses a system for integrating telephony signals into both forward and reverse portions of a cable television broadband signal. Particularly, relating to the reverse or upstream direction, the system of MILLER et al.

provides a telephony terminal (CIU) for QPSK modulating DS-0 telephony signals into the reverse data path. According to the abstract, FDMA is utilized to enable multiple CIUs to transmit onto the CATV signal. More particularly, *once received at the HIU*, a group receiver processes all upstream telephony signals having a selected spectral subband. The signals are converted to baseband and then demodulated to generate telephony signals for coupling to the telephony network. This section of MILLER et al. does not disclose framing an isolated digital channel to generate a framed channel and transmitting the framed channel using packet techniques over a packet network. In fact, MILLER et al. does not contemplate the formation of packets in the sense of packet-based networks. More specifically, MILLER et al. does not disclose or suggest framing a digitized channel prior to transmission and transmitting the digitized channel over a packet network.

At col. 7, lines 7-26, MILLER et al. discloses:

> Briefly described, the present invention provides a system for coupling telephony signals communicated from a subscriber via a broadband communication network to a telephony network interface. The system includes a block receiver that receives a group of modulated telephony signals communicated in a predetermined spectral subband selected within the upstream signal path in a broadband communication system, and provides individual modulated digital telephony signal outputs that are coupled to the telephony network.
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> The system includes a tuner for tuning to and selecting the predetermined spectral subband. A digitizer provides a plurality of digital samples of the selected spectral subband. A block lowpass filter is provided that is operative to lowpass filter the digital signal samples of the entire group of signals in the selected spectral subband. A block fast Fourier transform (FFT) stage responsive to filtered signals from the block lowpass filter frequency translates each of the telephony signals into separate baseband modulated digital information output signals.

This section of MILLER et al. discloses a system for coupling telephony signals in a broadband network to a telephony network. Various elements, including a block receiver, a tuner, a digitizer, a filter, and a FFT stage, are provided for receiving an upstream signal and preparing it for transmission on a telephony network. Figures 8 and 9 similarly disclose specific embodiments of a reverse path demodulator and block receiver incorporated within the HIU of MILLER et al. to perform upstream signal processing at the head end, prior to transmission on the telephony network. These sections of MILLER et al. do not disclosing framing a digitized channel and transmitting the framed channel over a packet network, as required by claim 1.

Pending claims 2-4 depend from claim 1. Therefore, these claims are not anticipated by MILLER et al. for at least the reasons given above with respect to claim 1. Additionally, new claims 5-11 also depend from claim 1 and are therefore also not anticipated by MILLER et al. for at least the reasons given above with respect to claim 1.

New independent claim 12 is directed to subject matter similar to that recited in claim 1. Accordingly, claim 12 is also not anticipated by MILLER et al. for at least reasons similar to those set forth above with respect to claim 1. Claims 13-15 depend from claim 12. Therefore, these claims are not anticipated by MILLER et al. for at least the reasons given above with respect to claim 12.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: September 15, 2004

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